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In re Application of O'BRIEN et al.
Application No.: 10/575,553
PCT No.: PCT/AU04/01090
Int. Filing: 13 August 2003
Priority Date: 15 August 2002
Attorney Docket No.: None
For: DEEP VEIN PULSATOR LEGGINGS

DECISION ON
DECLARATION
UNDER 37 CFR 1.497(a)

The decision mailed on 22 December 2006 indicated that the declaration submitted on 06 December 2006 erroneously identified Vincent William O'Brien as the sole inventor and thus was not in compliance with 37 CFR 1.497(a) and (b) since there was no indication that Shannon William O'Brien was deleted by the International Bureau under PCT Rule 92*bis* as a co-inventor. Applicant was advised that a new declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by both inventors was required.

The executed declaration filed on 16 March 2007 is in compliance with 37 CFR 1.497(a) and (b), as it is executed by both inventors and is acceptable.

The surcharge for filing the declaration after the thirty month period is \$65 for a small entity. Applicant attempted to pay the surcharge for filing the declaration after the thirty month period with a credit card form PTO-2038. However, the attempt to charge the credit card was unsuccessful. The credit card form was signed by applicant but the name as it appears on the credit card form was not applicant's name.

The application will be forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements, indicating that the \$65 surcharge for filing the declaration after the thirty month period is required. At applicant's request, applicant's change of correspondence address will be made of record.

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